

GARMAN TURNER GORDON LLP
GREGORY E. GARMAN
Nevada Bar No. 6665
E-mail: ggarman@gtg.legal
WILLIAM M. NOALL
Nevada Bar No. 3549
E-mail: wnoall@gtg.legal
MARK M. WEISENMILLER
Nevada Bar. No. 12128
Email: mweisenmiller@gtg.legal
7251 Amigo Street, Suite 210
Las Vegas, Nevada 89119
Telephone (725) 777-3000
Facsimile (725) 777-3112
*Attorneys for Empery Tax Efficient, LP as
Agent and Collateral Agent for certain
Secured Noteholders*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

MUSCLEPHARM CORPORATION,

Debtor.

Case No.: 22-14422-NMC

Chapter 11

Date: Ex Parte

Time: Ex Parte

**EX PARTE MOTION TO EXCEED PAGE LIMIT FOR OBJECTION TO EMERGENCY
MOTION FOR ENTRY OF INTERIM AND FINAL ORDERS: (I) AUTHORIZING
DEBTOR TO OBTAIN POST-PETITION FINANCING, (II) GRANTING PRIMING
LIENS AND ADMINISTRATIVE EXPENSE CLAIMS, (III) AUTHORIZING
THE DEBTOR'S USE OF CASH COLLATERAL, (IV) MODIFYING THE
AUTOMATIC STAY, AND (V) GRANTING RELATED RELIEF**

Empery Tax Efficient, LP, in its capacity as collateral agent (in such capacity, "Empery")¹ of the Secured Noteholders with respect to the Notes, by and through its counsel, Garman Turner Gordon LLP, hereby submits its ex parte motion ("Motion") to exceed page limit in its forthcoming *Objection to Emergency Motion for Entry of Interim and Final Orders: (i) Authorizing Debtor to Obtain Post-Petition Financing, (ii) Granting Priming Lines and Administrative Expense Claims, (iii) Authorizing the Debtor's use of Cash Collateral, (iv) Modifying the Automatic Stay, and (v) Granted Related Relief* (the "Objection") filed in response to the *Emergency Motion for Entry of*

¹ All capitalized undefined terms used herein shall be ascribed the definitions in the Objection.

1 *Interim and Final Orders: (i) Authorizing Debtor to Obtain Post-Petition Financing, (ii) Granting*
2 *Priming Lines and Administrative Expense Claims, (iii) Authorizing the Debtor's use of Cash*
3 *Collateral, (iv) Modifying the Automatic Stay, and (v) Granted Related Relief* [ECF No. 33]
4 ("Emergency Motion").

5 This Motion is made and based upon Local Rule 9014(e) and the pleadings and papers on
6 file in this case.

7 Good cause exists to extend the page limit to twenty-seven (27) pages for the Objection so
8 Empery can adequately detail the relevant facts and applicable law to oppose the Emergency
9 Motion as permitted by Local Rule 9014(e)(1). Accordingly, Empery requests leave to file its
10 Objection with no more than 27 pages of legal and factual analysis and argument.

11 Based on the foregoing, Empery respectfully requests that the Court enter an order in
12 substantially the same form as the proposed order attached hereto as **Exhibit 1** granting Empery
13 leave, pursuant to Local Rule 9014(e)(1), to file its Objection with no more than 27 pages of legal
14 and factual analysis and argument.

15 DATED this 4th day of January, 2023.

16 GARMAN TURNER GORDON LLP

17
18 /s/ Mark M. Weisenmiller

19 WILLIAM M. NOALL, ESQ.

GREGORY E. GARMAN, ESQ.

20 MARK M. WEISENMILLER, ESQ.

7251 Amigo Street, Suite 210

Las Vegas, Nevada 89119

21 *Attorneys for Empery Tax Efficient, LP as*

Agent and Collateral Agent for certain

22 *Secured Noteholders*
23
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1

GARMAN TURNER GORDON LLP
GREGORY E. GARMAN
Nevada Bar No. 6665
E-mail: ggarman@gtg.legal
WILLIAM M. NOALL
Nevada Bar No. 3549
E-mail: wnoall@gtg.legal
MARK M. WEISENMILLER
Nevada Bar. No. 12128
Email: mweisenmiller@gtg.legal
7251 Amigo Street, Suite 210
Las Vegas, Nevada 89119
Telephone (725) 777-3000
Facsimile (725) 777-3112
*Attorneys for Empery Tax Efficient, LP as
Agent and Collateral Agent for certain
Secured Noteholders*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:	Case No.: 22-14422-NMC
MUSCLEPHARM CORPORATION,	Chapter 11
Debtor.	Date: Ex Parte Time: Ex Parte

**ORDER GRANTING EX PARTE MOTION TO EXCEED PAGE LIMIT FOR
OBJECTION TO EMERGENCY MOTION FOR ENTRY OF INTERIM AND FINAL
ORDERS: (I) AUTHORIZING DEBTOR TO OBTAIN POST-PETITION FINANCING, (II)
GRANTING PRIMING LIENS AND ADMINISTRATIVE EXPENSE CLAIMS, (III)
AUTHORIZING THE DEBTOR'S USE OF CASH COLLATERAL, (IV) MODIFYING
THE AUTOMATIC STAY, AND (V) GRANTING RELATED RELIEF**

The Court having considered Empery's *Ex Parte Motion To Exceed Page Limit for
Objection Emergency Motion for Entry of Interim and Final Orders: (i) Authorizing Debtor to*

1 *Obtain Post-Petition Financing, (ii) Granting Priming Lines and Administrative Expense Claims,*
2 *(iii) Authorizing the Debtor's use of Cash Collateral, (iv) Modifying the Automatic Stay, and (v)*
3 *Granted Related Relief (the "Ex Parte Motion"), and good cause appearing therefore:*

4 **IT IS HEREBY ORDERED** that the Ex Parte Motion is GRANTED, and Empery may
5 file its Objection in excess of the page limits in LR 9014(e) to include a maximum of up to twenty-
6 seven (27) pages of factual and legal analysis and arguments.

7 **IT IS SO ORDERED.**

8 **PREPARED AND SUBMITTED:**

9
10 GARMAN TURNER GORDON LLP

11
12 /s/ Mark M. Weisenmiller

13 WILLIAM M. NOALL, ESQ.

14 GREGORY E. GARMAN, ESQ.

15 MARK M. WEISENMILLER, ESQ.

16 7251 Amigo Street, Suite 210

17 Las Vegas, Nevada 89119

18 *Attorneys for Empery Tax Efficient, LP as*

19 *Agent and Collateral Agent for certain*

20 *Secured Noteholders*
21
22
23
24
25
26
27
28